

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE WASHINGTON MUTUAL  
MORTGAGE BACKED SECURITIES  
LITIGATION

This Document Relates to: ALL CASES

Master Case No. 2:09-cv-00037-MJP

**STIPULATION, AGREED MOTION  
AND [PROPOSED] ORDER  
MODIFYING AND CORRECTING  
ORDER ON CLASS CERTIFICATION  
DATED OCTOBER 21, 2011**

**NOTED ON MOTION CALENDAR:  
January 25, 2012**

**STIPULATION AND AGREED MOTION**

Pursuant to the Court's October 21, 2011, Order Granting in part and Denying in Part Plaintiffs' Motion for Class Certification ECF No. 345 ("Order") the following Class was certified in this Action:

All persons or entities who purchased or otherwise acquired the following WaMu Mortgage-Pass Through Certificates: 2006 AR-7 tranche 1A; 2006 AR-12 tranche 1A1; 2006 AR-16 tranches 2A1, LB1, LB2, LB3, 3B1, 3B2, and 3B3; 2006 AR-17 tranche 1A; 2006 AR-18 tranche 2A1; and 2007-HY1 tranches 1A1 and 3A3 ("WAMU Bonds") on or before August 1, 2008 pursuant and/or traceable to their Registration Statements and accompanying Prospectuses filed with the Securities and Exchange Commission ("Offering Documents") and who were damaged thereby..

STIPULATION, AGREED MOTION AND [PROPOSED] ORDER  
MODIFYING AND CORRECTING ORDER ON CLASS CERT  
(NO. 2:09-CV-0037-MJP) - 1

**TOUSLEY BRAIN STEPHENS PLLC**  
1700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101-1332  
TEL. 206.682.5600 • FAX 206.682.2992

Pursuant to FRCP 60(a), the parties jointly request to amend and correct that Order to reflect the correct tranche of Certificates purchased by Plaintiff Boilermakers in the WAMU 2006-AR7 Certificate Offering – tranche 2A.

The parties agree that Plaintiff Boilermakers purchased the WAMU 2006-AR7 **tranche 2A**, not *tranche 1A*, Certificates, as the current Order states. Because the Court limited the Certified Class in this case and held that Plaintiffs only have the standing “to represent those entities and persons who purchased certificates from the thirteen tranches of WaMu MBS that the named Plaintiffs actually purchased,” Order at 16, the Class that should have been Certified reads as follows:

All persons or entities who purchased or otherwise acquired the following WaMu Mortgage-Pass Through Certificates: 2006 AR-7 **tranche 2A**; 2006 AR-12 tranche 1A1; 2006 AR-16 tranches 2A1, LB1, LB2, LB3, 3B1, 3B2, and 3B3; 2006 AR- 17 tranche 1A; 2006 AR-18 tranche 2A1; and 2007-HY1 tranches 1A1 and 3A3 (“WAMU Bonds”) on or before August 1, 2008 pursuant and/or traceable to their Registration Statements and accompanying Prospectuses filed with the Securities and Exchange Commission (“Offering Documents”) and who were damaged thereby.

Because the parties agree that the Court’s error was nothing more than an inadvertent clerical error, and because there will be no prejudice incurred by any party hereto, the parties respectfully request that the Court modify the October 21, 2011 Order certifying the class action to reflect Boilermakers’ purchase of, and role as Class Representative for, WAMU 2006-AR7, Tranche 2A.

The parties have annexed hereto for the Court’s approval and signature, a Proposed Corrected Version of Page 17 of the October 21, 2011 Order on Class Certification to reflect this proposed change. The parties respectfully request that the Court order the clerk to replace page 17 of the Order with the attached corrected version.

///

///

///

1 Dated: January 25, 2012

2 **TOUSLEY BRAIN STEPHENS PLLC**

3 By: /s/ Janissa A. Strabuk  
4 Kim D. Stephens, WSBA #11984  
5 Janissa A. Strabuk, WSBA #21827  
6 1700 Seventh Avenue, Suite 2200  
7 Seattle, WA 98101  
8 Telephone: (206) 682-5600  
9 Facsimile: (206) 682-2992  
10 Email: kstephens@tousley.com  
11 jstrabuk@tousley.com

12 *Liaison Counsel for Plaintiffs and the Class*

13 **COHEN MILSTEIN SELLERS &**  
14 **TOLL PLLC**

15 Steven J. Toll  
16 Julie Goldsmith Reiser  
17 Joshua S. Devore (admitted *pro hac vice*)  
18 S. Douglas Bunch (admitted *pro hac vice*)  
19 1100 New York Avenue, N.W.  
20 Suite 500, West Tower  
21 Washington, DC 20005  
22 Telephone: (202) 408-4600  
23 Facsimile: (202) 408-4699  
24 Email: stoll@cohenmilstein.com  
25 jreiser@cohenmilstein.com  
26 jdevore@cohenmilstein.com  
27 dbunch@cohenmilstein.com

Joel P. Laitman (admitted *pro hac vice*)  
Christopher Lometti (admitted *pro hac vice*)  
Daniel B. Rehns (admitted *pro hac vice*)  
88 Pine Street, Fourteenth Floor  
New York, NY 10005  
Telephone: (212) 838-7797  
Facsimile: (212) 838-7745  
Email: jlaitman@cohenmilstein.com  
clometti@cohenmilstain.com  
drehns@cohenmilstein.com

**SCOTT+SCOTT LLP**

Anne L. Box (admitted *pro hac vice*)  
Hal D. Cunningham (admitted *pro hac vice*)  
707 Broadway, Suite 1000  
San Diego, CA 92101  
Telephone: (619) 233-4565  
Facsimile: (619) 233-0508  
Email: abox@scott-scott.com  
hcunningham@scott-scott.com

Joseph P. Guglielmo (admitted *pro hac vice*)  
500 Fifth Avenue, 40th Floor  
New York, NY 10110  
Telephone: (212) 223-6444  
Facsimile: (212) 223-6334  
Email: jguglielmo@scott-scott.com

*Lead Counsel for the Class*  
*Class*

**BINGHAM MCCUTCHEN LLP**

**By:** /s/ John D. Pernick  
David M. Balabanian (admitted *pro hac vice*)  
John D. Pernick (admitted *pro hac vice*)  
Frank Busch (admitted *pro hac vice*)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: (415) 393-2000  
Facsimile: (415) 393-2286  
Email: david.balabanian@bingham.com  
john.pernick@bingham.com  
frank.busch@bingham.com

**HILLIS CLARK MARTIN & PETERSON,  
P.S.**

Louis D. Peterson, WSBA #5776  
Brian C. Free, WSBA #35788  
1221 Second Avenue, Suite 500  
Seattle WA 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789  
Email: ldp@hcmp.com  
bcf@hcmp.com

*Attorneys for Defendants Washington Mutual  
Asset Acceptance Corporation, Washington*

*Mutual Capital Corporation, David Beck,  
Richard Careaga, Rolland Jurgens, and Diane  
Novak*

**CRAVATH, SWAINE & MOORE LLP**

**By: /s/ Wes Earnhardt**

Daniel Slifkin (admitted *pro hac vice*)

Michael A. Paskin (admitted *pro hac vice*)

Wes Earnhardt (admitted *pro hac vice*)

Cravath, Swaine & Moore LLP

Worldwide Plaza

825 8th Avenue

New York, NY 10019

Tel: (212) 474-1000 Fax: (212) 474-3700

Email: [echesler@cravath.com](mailto:echesler@cravath.com);

[trafferty@cravath.com](mailto:trafferty@cravath.com); [dslifkin@cravath.com](mailto:dslifkin@cravath.com);

[mpaskin@cravath.com](mailto:mpaskin@cravath.com);

[wearnhardt@cravath.com](mailto:wearnhardt@cravath.com)

*Attorneys for Defendants WaMu Asset  
Acceptance Corporation, WaMu Capital  
Corporation, David Beck, Richard Careaga,  
Rolland Jurgens, and Diane Novak*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Marsha J. Pechman  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record and additional persons listed below:

**2:09-cv-00037-MJP Notice has been electronically mailed to:**

Steve W. Berman (Terminated) [steve@hbsslaw.com](mailto:steve@hbsslaw.com), [heatherw@hbsslaw.com](mailto:heatherw@hbsslaw.com),  
[robert@hbsslaw.com](mailto:robert@hbsslaw.com)

Larry Steven Gangnes [gangnesl@lanepowell.com](mailto:gangnesl@lanepowell.com), [docketing-sea@lanepowell.com](mailto:docketing-sea@lanepowell.com),  
[donnellyjoss@lanepowell.com](mailto:donnellyjoss@lanepowell.com), [gracen@lanepowell.com](mailto:gracen@lanepowell.com)

David Daniel Hoff [dhoff@tousley.com](mailto:dhoff@tousley.com), [efile@tousley.com](mailto:efile@tousley.com)

Stellman Keehnel [stellman.keehnel@dlapiper.com](mailto:stellman.keehnel@dlapiper.com), [patsy.howson@dlapiper.com](mailto:patsy.howson@dlapiper.com)

Paul Joseph Kundtz [pkundtz@riddellwilliams.com](mailto:pkundtz@riddellwilliams.com), [mbergquam@riddellwilliams.com](mailto:mbergquam@riddellwilliams.com),  
[mduffy@riddellwilliams.com](mailto:mduffy@riddellwilliams.com)

Bruce Earl Larson (Terminated) [blarson@karrtuttle.com](mailto:blarson@karrtuttle.com), [psteinfeld@karrtuttle.com](mailto:psteinfeld@karrtuttle.com)

John D Lowery [jlowery@riddellwilliams.com](mailto:jlowery@riddellwilliams.com), [dhammonds@riddellwilliams.com](mailto:dhammonds@riddellwilliams.com)

Louis David Peterson [ldp@hcmp.com](mailto:ldp@hcmp.com), [smp@hcmp.com](mailto:smp@hcmp.com)

Stephen M. Rummage (Terminated) [steverummage@dwt.com](mailto:steverummage@dwt.com), [jeannecadley@dwt.com](mailto:jeannecadley@dwt.com),  
[seadocket@dwt.com](mailto:seadocket@dwt.com)

Kim D Stephens [kstephens@tousley.com](mailto:kstephens@tousley.com), [cbonifaci@tousley.com](mailto:cbonifaci@tousley.com), [lrolling@tousley.com](mailto:lrolling@tousley.com),  
[wcruz@tousley.com](mailto:wcruz@tousley.com)

Robert D Stewart [stewart@kiplinglawgroup.com](mailto:stewart@kiplinglawgroup.com)

Dennis H Walters (Terminated) [dwalters@karrtuttle.com](mailto:dwalters@karrtuttle.com), [wbarker@karrtuttle.com](mailto:wbarker@karrtuttle.com)

Mike Liles, Jr (Terminated) [mliles@karrtuttle.com](mailto:mliles@karrtuttle.com)

Steven P Caplow (Terminated) [stevencaplow@dwt.com](mailto:stevencaplow@dwt.com), [jasonSchattenkerk@dwt.com](mailto:jasonSchattenkerk@dwt.com),  
[patrickwatts@dwt.com](mailto:patrickwatts@dwt.com), [seadocket@dwt.com](mailto:seadocket@dwt.com), [sheilarowden@dwt.com](mailto:sheilarowden@dwt.com)

Janissa Ann Strabuk [jstrabuk@tousley.com](mailto:jstrabuk@tousley.com), [lrolling@tousley.com](mailto:lrolling@tousley.com), [mhottman@tousley.com](mailto:mhottman@tousley.com),  
[wcruz@tousley.com](mailto:wcruz@tousley.com)

STIPULATION, AGREED MOTION AND [PROPOSED] ORDER  
MODIFYING AND CORRECTING ORDER ON CLASS CERT  
(NO. 2:09-CV-0037-MJP) - 7

**TOUSLEY BRAIN STEPHENS PLLC**  
1700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101-1332  
TEL. 206.682.5600 • FAX 206.682.2992

1 Walter Eugene Barton (Terminated) [gbarton@karrtuttle.com](mailto:gbarton@karrtuttle.com), [danderson@karrtuttle.com](mailto:danderson@karrtuttle.com),  
2 [nrandall@karrtuttle.com](mailto:nrandall@karrtuttle.com)

3 Gavin Williams Skok [gskok@riddellwilliams.com](mailto:gskok@riddellwilliams.com), [jsherred@riddellwilliams.com](mailto:jsherred@riddellwilliams.com),  
4 [lmoore@riddellwilliams.com](mailto:lmoore@riddellwilliams.com)

5 David M Balabanian [david.balabanian@bingham.com](mailto:david.balabanian@bingham.com)

6 Douglas C McDermott [doug@mcdermottnewman.com](mailto:doug@mcdermottnewman.com), [eric@mcdermottnewman.com](mailto:eric@mcdermottnewman.com)

7 Susan L Hoffman [susan.hoffman@bingham.com](mailto:susan.hoffman@bingham.com)

8 Steven J Toll [stoll@cohenmilstein.com](mailto:stoll@cohenmilstein.com), [efilings@cohenmilstein.com](mailto:efilings@cohenmilstein.com)

9 John D Pernick [john.pernick@bingham.com](mailto:john.pernick@bingham.com)

10 Steven W Fogg [sfogg@corrchronin.com](mailto:sfogg@corrchronin.com), [hpowell@corrchronin.com](mailto:hpowell@corrchronin.com),  
11 [reception@corrchronin.com](mailto:reception@corrchronin.com)

12 Brian C Free [bcf@hcmp.com](mailto:bcf@hcmp.com), [gcp@hcmp.com](mailto:gcp@hcmp.com)

13 Christopher M Huck (Terminated) [buck@kdg-law.com](mailto:buck@kdg-law.com)

14 Rogelio Omar Riojas [omar.riojas@dlapiper.com](mailto:omar.riojas@dlapiper.com), [karen.hansen@dlapiper.com](mailto:karen.hansen@dlapiper.com),  
15 [nina.marie@dlapiper.com](mailto:nina.marie@dlapiper.com)

16 Timothy Michael Moran [moran@kiplinglawgroup.com](mailto:moran@kiplinglawgroup.com), [cannon@kiplinglawgroup.com](mailto:cannon@kiplinglawgroup.com)

17 Richard A Speirs [rspeirs@cohenmilstein.com](mailto:rspeirs@cohenmilstein.com)

18 Bradley T. Meissner [bmeissner@fenwick.com](mailto:bmeissner@fenwick.com)

19 Geoffrey M Johnson [gjohnson@scott-scott.com](mailto:gjohnson@scott-scott.com), [efile@scott-scott.com](mailto:efile@scott-scott.com)

20 Mary Kay Vyskocil [mvyskocil@stblaw.com](mailto:mvyskocil@stblaw.com)

21 Barry Robert Ostrager [bostrager@stblaw.com](mailto:bostrager@stblaw.com), [managingclerk@stblaw.com](mailto:managingclerk@stblaw.com)

22 Richard F Hans [richard.hans@dlapiper.com](mailto:richard.hans@dlapiper.com), [dorinda.castro@dlapiper.com](mailto:dorinda.castro@dlapiper.com)

23 S Douglas Bunch [dbunch@cohenmilstein.com](mailto:dbunch@cohenmilstein.com)

24 Darren J Robbins [e\\_file\\_sd@csgrr.com](mailto:e_file_sd@csgrr.com)

25 Jonathan Gardner [jgardner@labaton.com](mailto:jgardner@labaton.com)

26  
27 STIPULATION, AGREED MOTION AND [PROPOSED] ORDER  
MODIFYING AND CORRECTING ORDER ON CLASS CERT  
(NO. 2:09-CV-0037-MJP) - 8

TOUSLEY BRAIN STEPHENS PLLC  
1700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101-1332  
TEL. 206.682.5600 • FAX 206.682.2992



1 Daniel B Rehns [drehns@cohenmilstein.com](mailto:drehns@cohenmilstein.com), [efilings@cohenmilstein.com](mailto:efilings@cohenmilstein.com)

2 Joel P Laitman [jlaitman@cohenmilstein.com](mailto:jlaitman@cohenmilstein.com)

3 Christopher E Lometti [clometti@cohenmilstein.com](mailto:clometti@cohenmilstein.com)

4 Michael H. Barr [mbarr@sonnenschein.com](mailto:mbarr@sonnenschein.com)

5 Kenneth J Pfahler [kenneth.pfahler@snrdenton.com](mailto:kenneth.pfahler@snrdenton.com), [nicole.reeber@snrdenton.com](mailto:nicole.reeber@snrdenton.com)

6 Leslie D Davis [ldavis@sonnenschein.com](mailto:ldavis@sonnenschein.com)

7 Kevin P Chavous [kchavous@sonnenschein.com](mailto:kchavous@sonnenschein.com)

8 Paul Scarlato [pscarlato@labaton.com](mailto:pscarlato@labaton.com), [ElectronicCaseFiling@labaton.com](mailto:ElectronicCaseFiling@labaton.com)

9 Frank Busch [frank.busch@bingham.com](mailto:frank.busch@bingham.com), [frank.downing@bingham.com](mailto:frank.downing@bingham.com)

10 Joseph P Guglielmo [jguglielmo@scott-scott.com](mailto:jguglielmo@scott-scott.com), [efile@scott-scott.com](mailto:efile@scott-scott.com)

11 Kenneth M Rehns [krehns@cohenmilstein.com](mailto:krehns@cohenmilstein.com)

12 Adam Zurofsky [azurofsky@cahill.com](mailto:azurofsky@cahill.com)

13 Tammy Roy [troy@cahill.com](mailto:troy@cahill.com)

14 Floyd Abrams [fabrams@cahill.com](mailto:fabrams@cahill.com)

15 James J. Coster [jcoster@ssbb.com](mailto:jcoster@ssbb.com), [jregan@ssbb.com](mailto:jregan@ssbb.com), [managingclerk@ssbb.com](mailto:managingclerk@ssbb.com)

16 Joshua M. Rubins [jrubins@ssbb.com](mailto:jrubins@ssbb.com), [jregan@ssbb.com](mailto:jregan@ssbb.com), [managingclerk@ssbb.com](mailto:managingclerk@ssbb.com)

17 Theo J. Robins [theo.robins@bingham.com](mailto:theo.robins@bingham.com)

18 Brian O O'Mara [bomara@rgrdlaw.com](mailto:bomara@rgrdlaw.com), [e\\_file\\_sd@rgrdlaw.com](mailto:e_file_sd@rgrdlaw.com), [johnkg@rgrdlaw.com](mailto:johnkg@rgrdlaw.com)

19 Joshua S. Devore [jdevore@cohenmilstein.com](mailto:jdevore@cohenmilstein.com), [efilings@cohenmilstein.com](mailto:efilings@cohenmilstein.com)

20 Matthew B. Kaplan [mkaplan@cohenmilstein.com](mailto:mkaplan@cohenmilstein.com), [efilings@cohenmilstein.com](mailto:efilings@cohenmilstein.com)

21 Julie Goldsmith Reiser [jreiser@cohenmilstein.com](mailto:jreiser@cohenmilstein.com)

22 Jee Young You [jeeyoung.you@bingham.com](mailto:jeeyoung.you@bingham.com)

23 Walter W. Noss [wnoos@scott-scott.com](mailto:wnoos@scott-scott.com), [efile@scott-scott.com](mailto:efile@scott-scott.com)

24  
25  
26  
27 STIPULATION, AGREED MOTION AND [PROPOSED] ORDER  
MODIFYING AND CORRECTING ORDER ON CLASS CERT  
(NO. 2:09-CV-0037-MJP) - 9

TOUSLEY BRAIN STEPHENS PLLC  
1700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101-1332  
TEL. 206.682.5600 • FAX 206.682.2992

1 Anne L. Box [abox@scott-scott.com](mailto:abox@scott-scott.com), [efile@scott-scott.com](mailto:efile@scott-scott.com)

2 Evan R. Chesler [echesler@cravath.com](mailto:echesler@cravath.com)

3 Thomas G. Rafferty [trafferty@cravath.com](mailto:trafferty@cravath.com)

4 Daniel Slifkin [dslifkin@cravath.com](mailto:dslifkin@cravath.com)

5 Michael A. Paskin [mpaskin@cravath.com](mailto:mpaskin@cravath.com)

6 J. Wesley Earnhardt [wearnhardt@cravath.com](mailto:wearnhardt@cravath.com)

7 Jesse M. Weiss [jweiss@cravath.com](mailto:jweiss@cravath.com)

8 John T Jasnoch [jjasnoch@scott-scott.com](mailto:jjasnoch@scott-scott.com), [efile@scott-scott.com](mailto:efile@scott-scott.com)

9 **2:09-cv-00037-MJP Notice will not be electronically mailed to:**

10 WaMu Officer Defendants Securities MDL

11 **2:09-cv-00134-MJP Notice has been electronically mailed to:**

12 Naumon A Amjed [namjed@btkmc.com](mailto:namjed@btkmc.com), [knguyen@btkmc.com](mailto:knguyen@btkmc.com)

13 John A. Kehoe [jkehoe@btkmc.com](mailto:jkehoe@btkmc.com)

14 Sharan Nirmul [snirmul@btkmc.com](mailto:snirmul@btkmc.com)

15 Joseph A. Fonti [jfonti@labaton.com](mailto:jfonti@labaton.com), [ElectronicCaseFiling@labaton.com](mailto:ElectronicCaseFiling@labaton.com)

16 Serena Richardson [srichardson@labaton.com](mailto:srichardson@labaton.com), [ElectronicCaseFiling@labaton.com](mailto:ElectronicCaseFiling@labaton.com)

17 **2:09-cv-00134-MJP Notice will not be electronically mailed to:**

18 WaMu Officer Defendants Securities MDL

19 **2:09-cv-00137-MJP Notice has been electronically mailed to:**

20 Christopher M Huck [huck@kdg-law.com](mailto:huck@kdg-law.com)

21 Hollis Lee Salzman [hsalzman@labaton.com](mailto:hsalzman@labaton.com), [ElectronicCaseFiling@labaton.com](mailto:ElectronicCaseFiling@labaton.com)

22 **2:09-cv-00137-MJP Notice will not be electronically mailed to:**

23 WaMu Officer Defendants Securities MDL

24 STIPULATION, AGREED MOTION AND [PROPOSED] ORDER  
25 MODIFYING AND CORRECTING ORDER ON CLASS CERT  
26 (NO. 2:09-CV-0037-MJP) - 10

TOUSLEY BRAIN STEPHENS PLLC  
1700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101-1332  
TEL. 206.682.5600 • FAX 206.682.2992

1 Julie Hwang  
2 LABATON SUCHAROW LLP  
3 140 BROADWAY  
4 FLOOR 34  
5 NEW YORK, NY 10005

6 **2:09-cv-01557-MJP Notice has been electronically mailed to:**

7 Nancy A Pacharzina [npacharzina@tousley.com](mailto:npacharzina@tousley.com), [mhottman@tousley.com](mailto:mhottman@tousley.com)

8 Gavin Williams Skok [azurowsky@cahill.com](mailto:azurowsky@cahill.com), [fabrams@cahill.com](mailto:fabrams@cahill.com), [troy@cahill.com](mailto:troy@cahill.com)

9 Dated: January 25, 2012

10 By: /s/ Janissa A. Strabuk

11 Kim D. Stephens, WSBA #11984

12 Janissa A. Strabuk, WSBA #21827

13 1700 Seventh Avenue, Suite 2200

14 Seattle, Washington 98101

15 Telephone: (206) 682-5600

16 Facsimile: (206) 682-2992

17 Email: [kstephens@tousley.com](mailto:kstephens@tousley.com)

18 [jstrabuk@tousley.com](mailto:jstrabuk@tousley.com)